



To the Honorable Council
City of Norfolk, Virginia

June 24, 2014

From: John M. Keifer, Director of Public Works

Subject: Encroachment – Encroach into the Fearer Avenue right-of-way at 2701 Davis Street with a paved driveway approximately 10' by 115' in length.

Reviewed:

Ronald H. Williams, Jr., Assistant City Manager

Ward/Superward: 3/7

Approved:

Marcus D. Jones, City Manager

Item Number:

R-4

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** Greg Gruszczyka
8300 Jolima Avenue
Norfolk, Virginia 23518

III. **Description**

This agenda item is an encroachment permitting Greg Gruszczyka to encroach into Fearer Avenue right-of-way at 2701 Davis Street with a paved driveway approximately 10' by 115' in length.

IV. **Analysis**

An encroachment is an object or structure that infringes into the City of Norfolk's right-of-way or property. Norfolk City Code, Section 42-10, requires all encroachments into the right-of-way to be approved by City Council. The encroachment in this location will allow Greg Gruszczyka to encroach into Fearer Avenue right-of-way at 2701 Davis Street with a paved driveway approximately 10' by 115' in length.

V. **Financial Impact**

Liability insurance has been provided naming the City of Norfolk as additional insured in the minimum amount of \$500,000; therefore, there should be no financial risk to the City. The City of Norfolk did not charge a fee for this encroachment.

VI. Environmental

There are no negative environmental impacts cited during review of this action.

VII. Community Outreach/Notification

Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

VIII. Board/Commission Action

The Department of Public Works, the Department of Planning & Community Development, and the City Attorney's Office has reviewed this request for encroachment and offer no objections. Review and approval by the Norfolk Design Review Process is not required.


IX. Coordination/Outreach


This letter has been coordinated with Department of Public Works, the Department of Planning & Community Development, and the City Attorney's Office.

Supporting Material from the Department of Public Works:

- Ordinance
- Exhibit A (3 sheets)

Form and Correctness Approved:

By 
Office of the City Attorney


Contents Approved:

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE PERMITTING GREG GRUSZECZKA TO ENCROACH INTO FEARER AVENUE RIGHT OF WAY AT 2701 DAVIS STREET WITH A PAVED DRIVEWAY APPROXIMATELY 10' BY 115' IN LENGTH.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That permission is hereby granted to Greg Gruszcza (hereinafter known as "Owner") to encroach into Fearer Avenue right of way at 2701 Davis Street with a paved driveway approximately 10' by 115' in length, as shown on Exhibit A attached hereto, such permission being further subject to the following conditions:

- (1) That this permission is expressly subject to the right of revocation by the Council and that in the event of such revocation Owner, or his successors and assigns, shall immediately remove the encroaching structure.
- (2) That upon the removal of the encroaching structure or any part thereof the authority hereby granted shall cease and terminate.
- (3) That Owner, or his successors and assigns, at his own cost and expense, shall take out and keep in full force and effect public liability insurance in some company authorized to do business in the Commonwealth of Virginia, insuring it and naming the City of Norfolk as an additional insured in the minimum amounts of \$500,000.00 against liability from any and all claims, actions and suits that may be asserted or brought against the City of Norfolk and/or Owner, and his successors and assigns, for any injury to or death of any person or persons or for any damage to or destruction of property resulting from the installation, maintenance, or existence of said

encroaching structure; that evidence of such insurance shall be filed with the Director of Risk Management of the City of Norfolk.

- (4) That the City of Norfolk shall not be responsible for any damage to the encroaching structure, including replacement and reinstallation costs, resulting from the City's operation, maintenance, repair, or replacement of any utilities located in the right-of-way of Fearer Avenue.
- (5) That the driveway is to be constructed with 6" of concrete with a 6" stone base and with a concrete apron at Chesapeake Boulevard.

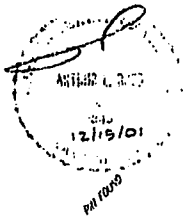
Section 2:- That the failure of Owner, or his successors and assigns, to fully comply with all contingencies set forth herein shall operate as an automatic revocation of the permission granted hereby.

Section 3:- That the use of the said encroaching structure shall be deemed an acceptance by Owner, and his successors and assigns, of all conditions to which the permission herein granted is subject.

Section 4:- That this ordinance shall be in effect from and after its adoption.

THIS IS TO CERTIFY THAT I ON DECEMBER 15, 2001 SURVEYED THE PROPERTY SHOWN
IN THIS PLAT AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS ARE SHOWN ON THIS PLAT.
THE BUILDINGS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OF
OTHER BUILDINGS ON THE PROPERTY EXCEPT AS SHOWN.

SIGNED :



PROPOSED ENCROACHMENT

CHESAPEAKE BOULEVARD (90')
(FORMERLY MALTBY AVE.) (FORMERLY OCEAN VIEW AVE.)

BLOCK 5
(M.B. 16, Pg. 93, Ches.)

FEARER AVE 50'

10' WIDE DRIVEWAY
15' CHAIN LINK FENCE
6' WOOD FENCE
PIN FOUND (2.75' East of Corner)

UPPER LIMITS OF C.B.P.A.
100' R.M.A. BUFFER

BLOCK 4
(M.B. 16, Pg. 93, Ches.)

R=1577.70' L=309.78' (P) L=312.57' (F)

FRAMER GARAGE
18' x 12'6"

UPPER LIMITS OF C.B.P.A.
50' R.P.A. BUFFER

WETLANDS FLAG (Typical)

DAVIS STREET (50')

LIMITS OF C.B.P.A. WETLANDS
AS DETERMINED BY THE CITY
OF NORFOLK DIVISION OF
ENVIRONMENTAL SERVICES

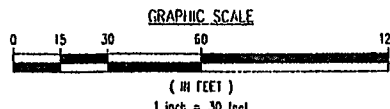
BLOCK 3
(M.B. 16, Pg. 93, Ches.)

TILLER AVENUE (50')
(FORMERLY MANN AVE.)

LEGEND:
(P) = PLAT DATA
(F) = FIELD DATA

NOTES:

- 1) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT SHOW ANY/EASEMENTS OR RESTRICTIONS THAT MAY AFFECT SAID PROPERTY AS SHOWN.
- 2) THE PROPERTY SHOWN HEREON APPEARS TO FALL INSIDE ZONES "A", "B" & "C" AS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR THE CITY OF NORFOLK, VA. COMMUNITY No. 510104 0012 D, PANEL No. 12 D, DATED: APRIL 12, 1984. BASE FLOOD ELEVATION FOR ZONE "A" = 8.50
- 3) LEE S. ROOD, P.C. IS NOT A PARTY IN DETERMINING THE REQUIREMENTS FOR FLOOD INSURANCE ON THE PROPERTY SHOWN HEREON. THIS SURVEY DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE SUBJECT TO FLOODING. FOR FURTHER INFORMATION, CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL.
- 4) ELEVATIONS SHOWN HEREON REFER TO M.G.D. OF 1929.



NOTE:
FEARER AVENUE, DAVIS STREET AND TILLER AVENUE
ARE ALL UNIMPROVED RIGHT-OF-WAYS.

LEE S. ROOD, P.C.
Land Surveyor
5737 BARTEE STREET
NORFOLK, VIRGINIA 23502
PHONE (757) 466-1111



Physical Survey of
Lots 12 thru 22, inclusive, Block 4,
Map of BELMONT PLACE
Norfolk, Virginia
for
CARLAND BENNETT

DRAWN BY: W.W.L.
CHECKED BY: A.L.R.
SCALE: 1"=30'
DATE: 12/15/01
JOB NO.: 54,287-01
FILE NO.: SS-5357
REF.: M.B. 16, Pg. 93
F.B. T-48, Pg. 3-5
SHEET 1 OF 1

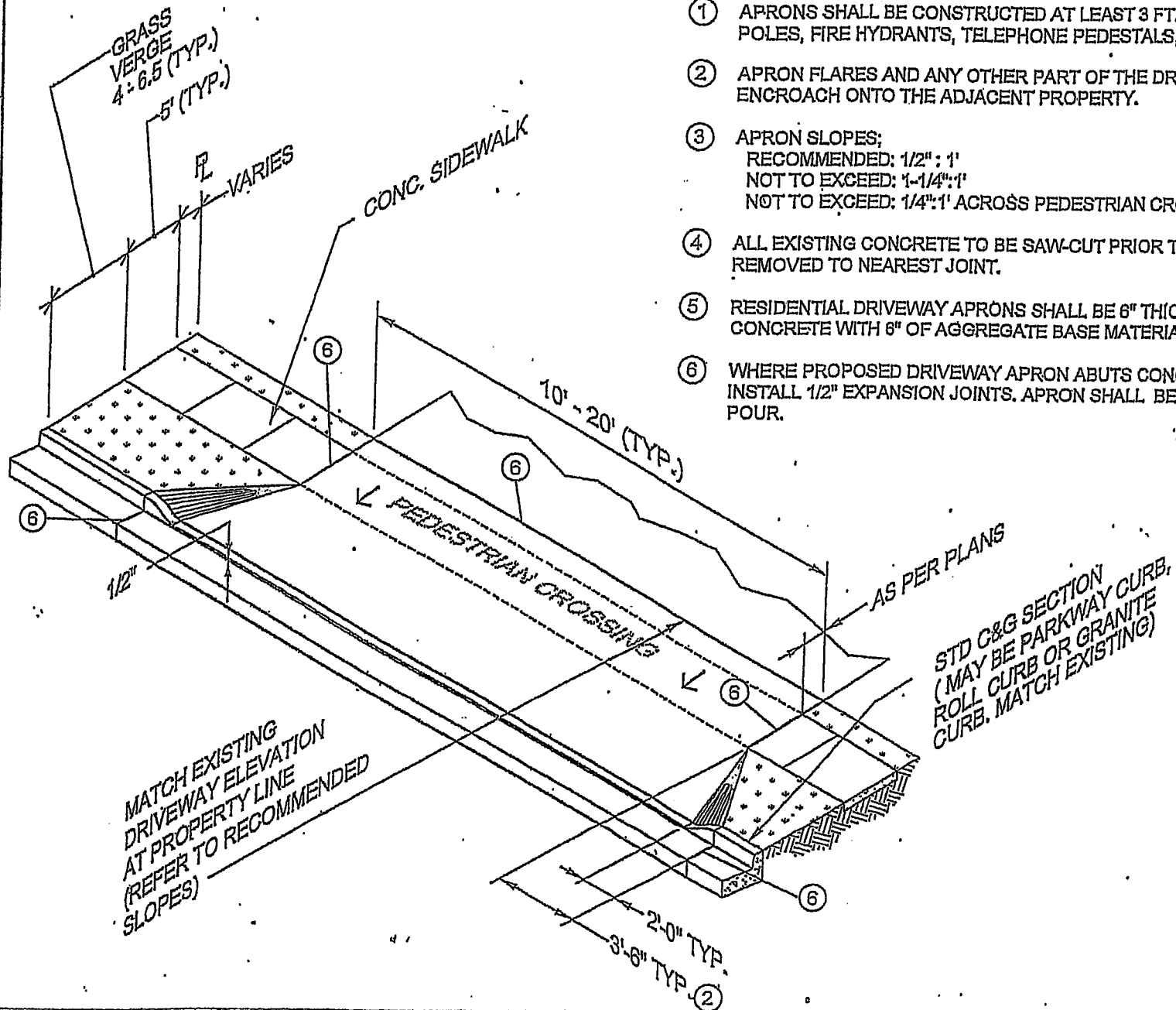
SCALE
NOT TO SCALEEDITION
NCDS2007.12REVISED
DECEMBER 2007

STANDARD RESIDENTIAL DRIVEWAY APRON

DESCRIPTION

DESIGNATION

HS-207



NOTES

- ① APRONS SHALL BE CONSTRUCTED AT LEAST 3 FT. FROM ALL UTILITY POLES, FIRE HYDRANTS, TELEPHONE PEDESTALS, ETC.
- ② APRON FLARES AND ANY OTHER PART OF THE DRIVEWAY SHALL NOT ENCROACH ONTO THE ADJACENT PROPERTY.
- ③ APRON SLOPES;
RECOMMENDED: 1/2" : 1'
NOT TO EXCEED: 1-1/4" : 1'
NOT TO EXCEED: 1/4" : 1' ACROSS PEDESTRIAN CROSSING
- ④ ALL EXISTING CONCRETE TO BE SAW-CUT PRIOR TO DEMOLITION OR REMOVED TO NEAREST JOINT.
- ⑤ RESIDENTIAL DRIVEWAY APRONS SHALL BE 6" THICK OF CLASS A3 CONCRETE WITH 6" OF AGGREGATE BASE MATERIAL.
- ⑥ WHERE PROPOSED DRIVEWAY APRON ABUTS CONCRETE PAVEMENT, INSTALL 1/2" EXPANSION JOINTS. APRON SHALL BE MONOLITHIC POUR.

